

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT
November 4, 2010
Elisabeth A. Shumaker
Clerk of Court

In re:

BRIAN DAVID MITCHELL,

Petitioner.

No. 10-4197
(D.C. No. 2:08-CR-00125-DAK)
(D. Utah)

ORDER

Before **TACHA**, **TYMKOVICH**, and **HOLMES**, Circuit Judges.

Brian David Mitchell has filed a renewed petition seeking a writ of mandamus to compel the district court to transfer his case to another venue. We direct Mr. Mitchell and the government to file simultaneous briefs by 11:59 pm today that (1) inform the court whether a jury has in fact been empaneled; and (2) if a jury has been empaneled, what each party's position is on whether the petition for mandamus is moot.

Entered for the Court,



ELISABETH A. SHUMAKER, Clerk